

**REMARKS/ARGUMENTS**

Claims 1-18 are pending in the application.

Claims 1, 7 and 9-18 have been amended.

Claims 7, 10, and 16 have been amended to include the subject matter of their parent claims and all intervening claims; and therefore these claims should be allowed.

Claims 10, 11 and 18 have been amended to avoid the 35 U.S.C. 112, second paragraph, objections noted by the Examiner.

The rejection of claims 1-6, 12-15, 17 and 18 under 35 U.S.C. 102(e) as being anticipated by Soppera (US 2003/0172289) (hereinafter Soppera) is respectfully traversed.

Soppera does not use a covert channel as in the present invention. It appears that Soppera marks all packets of a flow (see for example Figure 6 of Soppera and paragraph [0055] "When a packet directed to the victim arrives at the selected router, 300, the router marks the packet"). This mode of operation implies a lot of processing. Applicants use a covert channel (a channel that draws bandwidth from another channel in order to transmit information). As only some packets of a flow are marked, the receiver is able to identify the marking by comparison.

Further and favorable action is respectfully requested.

Respectfully submitted,



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In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.